

**AFFIDAVIT OF VOLUNTARY SURRENDER**  
**OF LICENSE TO PRACTICE PHARMACY**

STATE OF Wisconsin )  
COUNTY OF Chippewa ) ss.

I, Kevin D. Litten, also referred to as Respondent herein, being first duly sworn upon my oath state:

1. I currently hold a Missouri license to practice pharmacy, numbered 040729.
2. I understand that the Missouri Board of Pharmacy is authorized to pursue disciplinary action upon license number 040729, and that the Missouri Board of Pharmacy is not required to accept a voluntary surrender of this license without a stipulation of facts.
3. It is my intent and desire at this time, after due deliberation, to voluntarily surrender my license to practice pharmacy, number 040729, to the Missouri Board of Pharmacy in lieu of discipline and to provide that Board with any other documents or certificates in my possession evidencing the existence of that license to practice pharmacy.
4. I understand and agree that if I apply for licensure in the State of Missouri following the execution of this Affidavit, all facts and information, if any, gathered prior to execution of this Affidavit by the Missouri Board of Pharmacy concerning any possible or alleged violations of Chapter 338, RSMo, may be considered in the Board's decision of whether to grant me a new license along with the following violations to which I stipulate:

A. On December 17, 2019, the Wisconsin Pharmacy Examining Board entered a Final Decision and Order, which incorporated a Stipulation signed by the Wisconsin Board and Respondent, suspending Respondent's license for two weeks and then limiting/probating Respondent's Wisconsin license in certain respects (the "Wisconsin Order").

B. The basis for discipline according to the Wisconsin Order is:

i. Respondent regularly dispensed high doses of opioids under prescriptions that lacked required information such as prescribers' signatures.

ii. Respondent regularly dispensed schedule II controlled substances while he knew, or should have known, the prescriber's identifying information was incorrect.

iii. Respondent regularly dispensed schedule II controlled substances without a written prescription order from the prescribing practitioner and the purported prescriptions appeared to have been transcribed by Respondent from oral information received over the phone.

iv. The phone prescriptions for schedule II controlled substances were dispensed in excess of an amount required to treat the patient through an emergency period and were not properly noted for emergency dispensing.

C. Respondent engaged in unprofessional conduct by:

i. administering, dispensing, supplying or obtaining a drug other than in legitimate practice or as prohibited by law; and

ii. engaging in any pharmacy practice which constitutes a danger to the health, welfare, or safety of patient or public, including but not limited to, practicing in a manner which substantially departs from the standard of care ordinarily exercised by a pharmacist which harmed or could have harmed a patient.

D. The Wisconsin Order found that by dispensing controlled substances pursuant to an incomplete prescription order Respondent violated Wis. Admin. Code § Phar 8.05(1).

E. The Wisconsin Order found that by dispensing schedule II controlled substances without a hard or electronic copy in a non-emergency circumstance Respondent violated Wis. Admin. Code § Phar 8.05(4).

F. The Wisconsin Order found that by dispensing a prescribed drug pursuant to an incomplete prescription order, including orders without a signature from the practitioner Respondent violated Wis. Stat. § 450.11(1).

G. The Wisconsin Order concluded that Respondent is subject to discipline for having engaged in unprofessional conduct pursuant to Wis. Stat. § 450.10(1)(b)1.

H. On January 28, 2021, the Wisconsin Board considered Respondent's request for removal of the limitations on and the return of his license to full, unrestricted status.

I. On March 9, 2021, the Wisconsin Board denied the request due to "insufficient time under the Board Order to demonstrate adequate compliance."

J. Missouri law prohibits the dispensing of Schedule II controlled substances pursuant to oral prescriptions except under emergency situations. 19 CSR 30-1.062; §195.060, RSMo.

K. Missouri requires a prescriber's signature on all written prescriptions for Schedule II controlled substances unless they are electronic. 19 CSR 30-1.062; §195.060, RSMo.

L. Cause exists for the Board to take disciplinary action against Respondent's Missouri pharmacist license under §338.055.2(8), RSMo based on Respondent's Wisconsin disciplinary action and stipulated facts.

5. I fully understand that, by my execution of this Affidavit, I shall surrender and lose any rights under the law to practice as a pharmacist in the State of Missouri and will not be

able to again practice pharmacy in the State of Missouri until I reapply for licensure as an original candidate and am accepted by the Missouri Board of Pharmacy.

6. I further understand that my license to practice pharmacy will not be returned to me by the Missouri Board of Pharmacy upon request and that license will cease to exist when it is surrendered.

7. I acknowledge and affirm by this sworn statement that no threats, promises, or assurances of any kind have been made to me regarding the voluntary surrender of my license except as noted above, nor have I been threatened or coerced to so act in any way, but rather I hereby voluntarily surrender my license to practice pharmacy in the State of Missouri by and with this Affidavit.

8. I acknowledge and affirm that I understand that the Board of Pharmacy will maintain this Affidavit of Voluntary Surrender as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.

Date: 19 OCTOBER

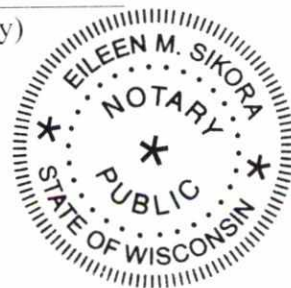
Kevin D. Litten  
KEVIN D. LITTON Kevin D. Litten

Subscribed and sworn to before me this 19<sup>th</sup> day of October, 2021.

Eileen M. Sikora  
Notary Public Eileen M. Sikora

My Commission Expires: November 25, 2022

Eileen M. Sikora  
(Print, type or stamp name of notary)



Per Wisconsin Drivers License  
Kevin D. Litten is the  
Correct Name of person  
presenting document to  
be signed.